

### **REMARKS**

Claims 1-11 remain in the application. The amended claims were amended for purely formal reasons. It is understood that the amended claims were not amended for the purpose of distinguishing any prior art. Applicant asserts that no new matter has been added. Reconsideration of the Application is hereby requested.

### **Objections to the Claims**

Claims 10 and 11 were objected to as a result of several informalities. Applicant has amended Claims 10 and 11 to remove the cited informalities. Therefore, Applicant believes that these objections have been overcome and respectfully requests that they be withdrawn.

### **Claim Rejections**

#### ***Rejections Under 35 U.S.C. § 112***

Claims 1-6 and 11 were rejected under 35 U.S.C. § 112, for failing to define the invention. Applicant has amended Claims 1 and 11 to make clear that the gateway device is required to send a state change signal when it fails to receive the periodic signal and when the endpoint is not in a removed state, and that the gateway device is *required* not to send the state change signal when the endpoint is in the removed state. This amendment clearly distinguishes these claims from other gateway devices that might be capable of not sending a state change signal, but that are not *required* not to send a state change signal.

Regarding the use of functional language, MPEP § 2173.05(v) specifically authorizes use of functional language. If this rejection is to be maintained, Applicant respectfully requests the citing of authority that would indicate that use of functional language in a claim is proper grounds for a §112 rejection.

For these reasons, Applicant believes that this rejection has been overcome and respectfully requests that it be withdrawn.

***Rejections Under 35 U.S.C. § 102***

Claims 1-11 were rejected under 35 U.S.C. § 102(e), as being anticipated by Childress et al. (US Pub. 2004/0010716).

*Remarks regarding this rejection as applied to Claims 1, 7, 10 and 11:*

Critically, the rejected claims all include a limitation that requires the gateway device *not* to send the state change message to the server when the status of the endpoint is in the Removed state. The Action cites paragraph [0096] of Childress to support the assertion of this limitation being found in Childress. However, the cited paragraph merely states:

Event\_Severity—This string corresponds to the TEC severity levels (HARMLESS, WARNING, CRITICAL and FATAL) and must always be in uppercase. This TEC severity level is the TEC severity level to which the incident severity level maps to;

While the cited paragraph uses the word “FATAL,” there is no indication in this paragraph (or anywhere else in Childress) that an endpoint being in a Removed state results in a state change message being suppressed by the gateway device. Any assertion that use of the term “FATAL” means suppression of a state change message is mere speculation, and is certainly not sufficient to support a §102 rejection.

Applicant respectfully traverses the assertion, made in the “Response to Arguments” section of the Action, that suppression of a state change message when an endpoint is in the Removed state is disclosed in Childress in ¶¶[0115]-[0116] and [0061]. Paragraph [0061] merely discusses healthcheck modules, stating that subsequent healthcheck modules in a program will not run if a managed node is down. This paragraph refers to healthcheck modules that are applied to *managed nodes*, not endpoints (as recited in the claims). Childress clearly

discusses endpoint devices (*see, e.g.*, ¶[0014]) and clearly defines managed nodes as being something different from endpoint devices (*see*, ¶[0012]-[0014]). Thus, ¶[0061] could not disclose suppression of a message resulting from an endpoint device in a Removed state, because it does not refer to endpoint devices at all.

Regarding ¶[0115]-[0116], the only mention of endpoints failing to check in states:

If an endpoint fails, it is probable that each of the above TEC events will be sent to the TEC server as the endpoint fails to check in within the various predetermined periods of time.

Contrary to the assertion in the Action, this passage actually describes multiple events occurring when an endpoint fails. This passage uses the plural tense when referring to “TEC events” and “periods of time.” Clearly, it is describing a repeated action and it clearly does not mention any sort of suppression of a state change message.

Childress simply does not disclose the limitation of suppressing the state change message when the endpoint has been removed, as recited in the independent claims. For this reason, Applicant believes that this rejection has been overcome and respectfully requests that it be withdrawn.

*Remarks regarding this rejection as applied to Claim 2-6:*

Claims 2-6 depend from Claim 1 and takes all of the limitations therefrom. For the reasons discussed above with respect to Claim 1, Applicant believes that this rejection has been overcome and respectfully requests that it be withdrawn.

*Remarks regarding this rejection as applied to Claims 8 and 9:*

Claims 8 and 9 depend from Claim 1 and takes all of the limitations therefrom. For the reasons discussed above with respect to Claim 1, Applicant believes that this rejection has been overcome and respectfully requests that it be withdrawn.

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### **Prior Art Made of Record**

In addition to the remarks presented above, Applicant asserts that the remaining prior art made of record neither anticipates, nor renders obvious the claimed invention.

### **CONCLUSION**

Applicant believes that the rejections have been overcome for the reasons recited above. Therefore, Applicant respectfully requests that all remaining claims be allowed and that a timely Notice of Allowance be issued.

No addition fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 09-0461.

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Date



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